

C104/002 Incoming

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United States
Department of
Agriculture

Forest Service
March 5, 2014



Notice of Proposed Action

Opportunity to Comment

CANYON FUEL COMPANY Special Use Permit Modification

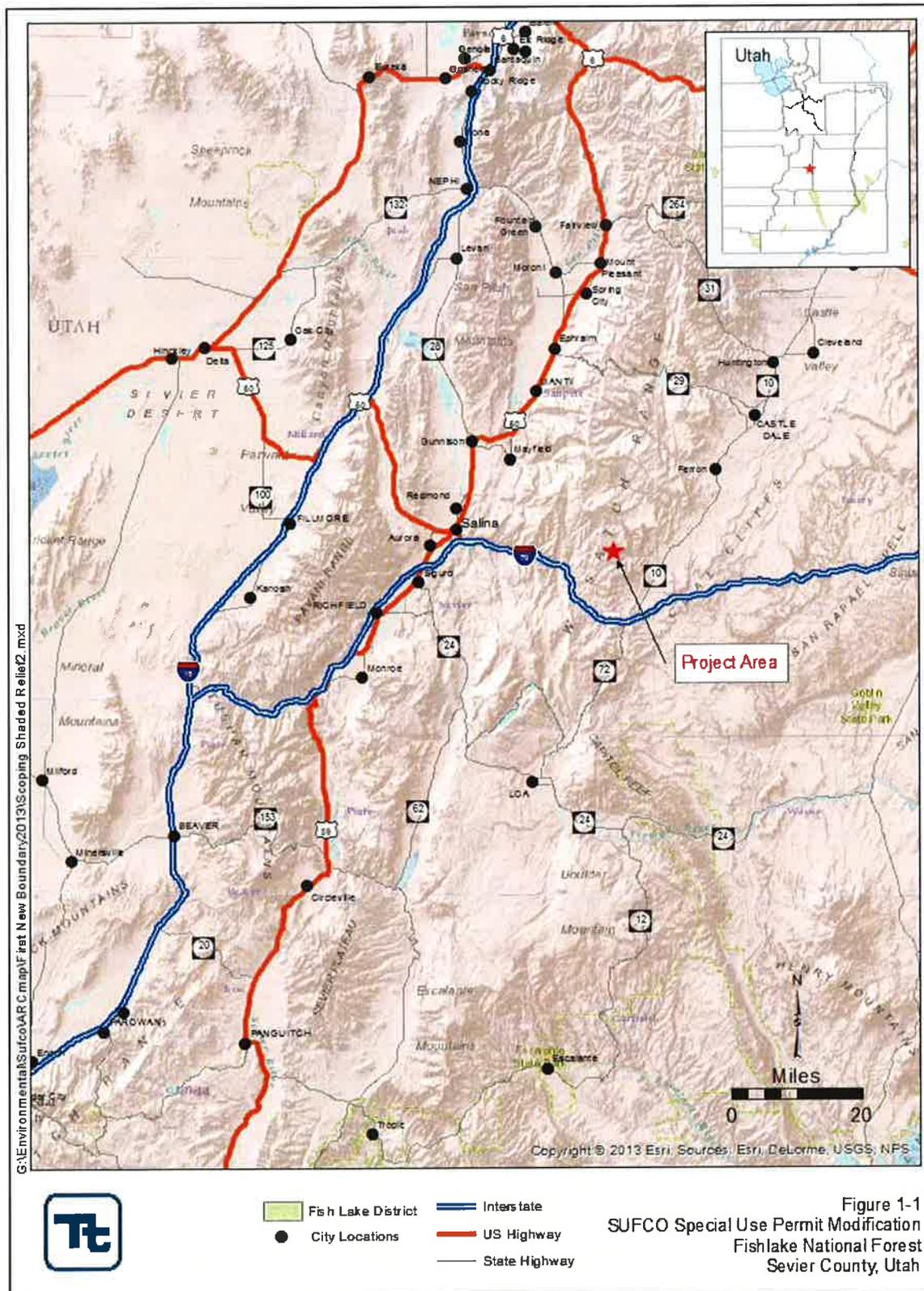
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Background

The Richfield Ranger District of the Fishlake National Forest is proposing to modify the current boundary of Canyon Fuel Company's special use permit area (SUP). Canyon Fuel has requested 19.2 acres be added to their existing special use permit area adjacent to their SUFCO coal mine. The Fishlake National Forest's approval of the modification would establish right-of-entry for a future mine permitting action to be taken by the State of Utah, Division of Oil, Gas and Mining (DOGM). A foreseeable mine permitting action that would need to be approved by DOGM, includes authorization to construct coal load out facilities, coal storage areas and support infrastructure. As part of the approval, DOGM would also approve the reclamation plan, and hold necessary reclamation bonds to assure compliance.

Canyon Fuel Company holds a special use permit for its current operations. The proposed permit expansion area is located adjacent to current SUFCO Mine facilities and US Forest Service Road 006 along Quitchupah Creek in the S1/2 of Section 12, Township 22 South, Range 4 East, in Sevier County, Utah. The Fishlake National Forest manages the surface estate of the project area (**Figure 1-1**) as part of the National Forest System (NFS).

Figure 1-1: Project Location



Purpose and Need

The need for the action is for the Forest Service to respond to an application to amend an existing SUP that would establish a right-of-entry onto NFS lands for the purpose of permitting, and if approved, constructing ancillary facilities incident to a coal mine.

The purposes include furthering the direction in the Forest Plan to (1) “*encourage mineral exploration, development and extraction consistent with management of surface resources*”, (2) “*manage land uses to insure permit compliance and resource protection*” and (3) *act on special use applications according to the following priorities: land and land use activities contributing to increased economic activity associated with National Forest resources, e.g., oil and gas, and energy minerals* (USFS 1986, Pages IV-5 and IV-38) and to fulfill the Forest Service’s obligation under the Mining and Minerals Policy Act of 1970 to foster and encourage private enterprise in the development of economically sound and stable domestic mining minerals and mineral reclamation industries, ...{and} “the orderly and economic development of domestic mineral resources...”.

In addition, the Forest Service Minerals and Geology 2800-2012-1 Manual states the following objectives: 1. Encourage and facilitate the orderly exploration, development, and production of mineral and energy resources within the NFS in order to maintain a viable, healthy minerals industry and to promote self-sufficiency in those mineral and energy resources necessary for economic growth and national defense (Page 9); 2. Ensure that exploration, development, and production of mineral resources are conducted in an environmentally sound manner and that these activities are considered fully in the planning and management of other NFS resources (Page 9); and 3. Ensure that lands disturbed by mineral and energy activities are reclaimed for other productive uses (Page 10).

The Richfield Ranger District has determined the Purpose and Need for this project is consistent with Fishlake National Forest goals and objectives found in Chapter IV of the Forest Plan. The project area occurs in Forest Plan Management Area 6B. The Richfield Ranger District compared the proposed action described below with the general direction and standards and guidelines listed in the Fishlake Land and Resource Management Plan to determine compliance. The District determined the proposed action is compliant with the general direction and standards and guidelines listed in the Fishlake Land and Resource Management Plan. The District determined a Forest Plan Amendment is not required as part of this project. This review along with supporting rationale is found in the project record.

Proposed Action

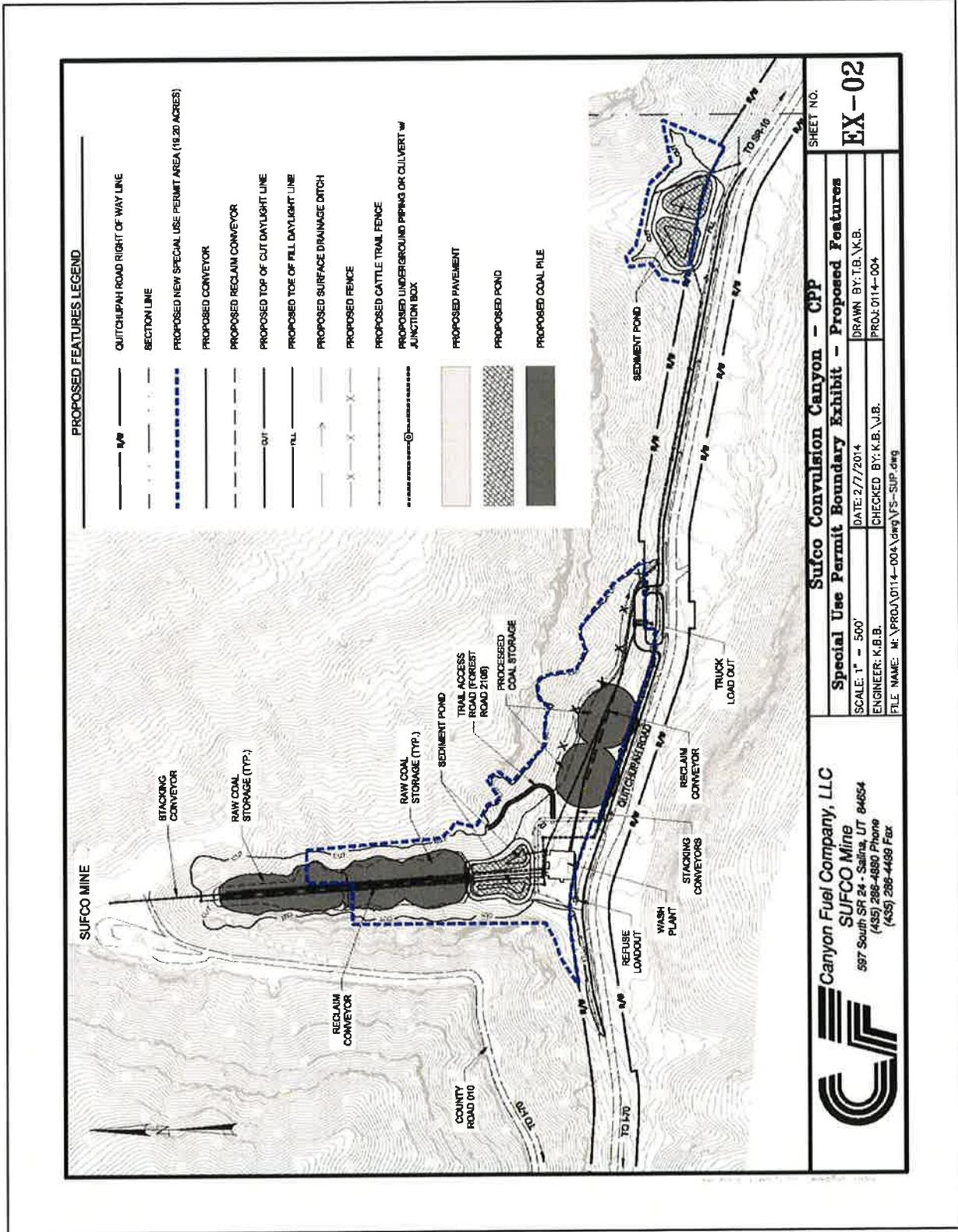
The Proposed Action for the Fishlake National Forest is to decide whether or not to approve the addition of 19.2 acres to the current Special Use Permit. This permit expansion would grant right-of entry for Canyon Fuel to use the specified NFS lands for a subsequent coal permitting action subject to the State of Utah, DOGM and 30 CFR

944. See **Figure 1-2** for an overview of the existing features; coal related facilities, Quitchupah Road right of way, lease boundaries and existing special use permit area.

Foreseeable activities that DOGM would review are considered in this environmental analysis as a connected action. Foreseeable activities include the construction of coal load out facilities including crushers, conveyor systems, coal bins, truck scales and an office; coal storage pile facilities in the form of linear stackers, reclaim feeders and conveyor systems. These additional storage piles may increase temporary storage capacity to 100,000 tons that would allow for coal segregation and blending for achievement of optimum coal quality for customer needs. Other foreseeable activities include construction of sediment ponds.

Road upgrades would be completed to facilitate all weather coal loading and transport. Upgrades would include paving the truck turnaround road (13,612 square feet outside the Quitchupah Road right-of-way) and surfacing the interior of the truck turnaround with gravel, roto-mill, or other suitable material. Additionally, a lane would be added to turn into the truck turnaround and to exit the turnaround onto Quitchupah Creek Road. Construction and drainage control would be designed consistent with DOGM requirements. All foreseeable activities would be subject to approval by DOGM and other permitting actions required by Federal, State, and county agencies. See **Figure 1-3** for an overview of the proposed additional 19.2 acres of special use permit area and an overview of the foreseeable activities.

Figure 1-3: Proposed Additional Special Use Permit Area and Foreseeable Activities



 <p>Canyon Fuel Company, LLC SUFCO Mine 587 South SR 24 - Salina, UT 84654 (435) 266-4680 Phone (435) 266-4689 Fax</p>	<p>Sufco Convulsion Canyon - CPP</p> <p>Special Use Permit Boundary Exhibit - Proposed Features</p>		SHEET NO. <p>EX-02</p>
	SCALE: 1" = 500' ENGINEER: K.B.B. FILE NAME: M:\PROJECT\114-004\cng\YS-SUP.dwg	DATE: 2/7/2014 CHECKED BY: K.B.\J.B.	DRAWN BY: T.B.\K.B. PROJ: 0114-004

Proposed Action – Brief Summary of Impacts

The affected resources and potential impacts of the proposed action are summarized for consideration in Table 1.

Table 1. Affected Resources and Potential Impacts	
Affected Resource	Brief Summary of Impacts
Vegetation	Impacts would be minor as project disturbance is small (19.2 acres) and affected communities are well represented within the analysis area. Increased dust on plant leaves would fluctuate based on mine activities and local weather conditions, resulting in minor short-term impacts to individual plant species.
Threatened, Endangered, Proposed, Candidate, Sensitive, and MIS Plant Species	Plant surveys were conducted in 2012 and 2013. No Threatened, Endangered, Proposed, Candidate, Sensitive and MIS plant species were found in the project area; therefore, no direct or indirect effects to Threatened, Endangered, Proposed, Candidate, Sensitive and MIS plant species are expected to occur as a result of approving the proposed action.
Threatened, Endangered, Proposed, Candidate, Sensitive, and MIS Wildlife and Aquatic Species	Wildlife surveys were also conducted in 2012 and 2013. No Threatened, Endangered, Proposed, Candidate, Sensitive and MIS wildlife species were found in the project area and habitat is limited; therefore, impacts to wildlife are expected to be minimal. No riparian areas occur in the project area; therefore, no impacts to Threatened, Endangered, Proposed, Candidate, Sensitive and MIS aquatic species would occur as a result of approving the proposed action.
Migratory birds	Negligible impact
Water Resources	No impact on groundwater. Negligible impact on surface water.
Cultural Resources	A Class III cultural resource inventory of the proposed expansion area was examined by EnviroWest in December 2012 and March 2013 (Billett 2013). The inventory examined 102 acres of land within and around the proposed special use permit boundary. The Fishlake Forest Archaeologist determined that no impacts to cultural resources are expected to occur as a result of approving the proposed action. A final cultural resource report was submitted to the Utah State Historic Preservation Office (SHPO). A letter from SHPO was received in June 2013 that stated SHPO concurred with the determinations of no effect.
Land Use	Minimal impact on grazing and recreation. Continued use of the area for mining.

Public Involvement

This proposed project is listed on the Fishlake National Forest: Schedule of Proposed Actions (SOPA). Further information regarding this project can be found by visiting our website at www.fs.usda.gov/goto/fishlake/projects

A legal notice initiating scoping was published in the Richfield Reaper, the FS newspaper of record, on May 15, 2013. Scoping took the form of a scoping document and map that described the proposed project and detailed instructions of how to get involved in the National Environmental Policy Act (NEPA) process. During the scoping process the Forest Service consulted with individuals, State and Local agencies, and tribes regarding the development of the proposed action. The Richfield Ranger District has also had discussions with Canyon Fuel related to this project.

From this scoping effort, four comment letters were received. The comment letters are summarized below.

- One comment letter encouraged the Forest Service to approve the special use permit modification.
- One comment letter requested that project activities cease in the immediate area if any newly discovered cultural features or deposits are found. Additionally, that SHPO should be consulted on the nature and significance of the remains identified. American human remains or funerary objects discovered during construction shall be immediately reported as required by law. The Fishlake National Forest proposes to carry this recommendation forward into the final decision for this project.
- One comment letter expressed concerns about being able to move cattle to and from the Fishlake National Forest. To ensure cattle are able to move to and from the Fishlake National Forest, part of the design shown in Figure 1-3 includes a cattle trail fence that would facilitate movement of cattle through the project area to and from the National Forest.
- One comment letter raised concerns about the size (initial proposal was an additional 102 acres) and the impacts to habitat and all other natural resources and values. The commenter requested the Forest Service deny the special use permit expansion and the justification provided for the proposed action was not adequate. The commenter also expressed confusion regarding the project location and recommended the Forest proceed with a Notice of Intent for an Environmental Impact Statement (EIS). After considering these comments, project area maps were updated (Figures 1-1, 1-2, and 1-3). The initial 102 acres being proposed was reduced to 19.2 acres. The Purpose and Need was clarified and after doing an initial analysis of impacts summarized in Table 1, the Forest does not anticipate any impacts that would require an EIS be done. The Forest has also determined the Purpose and Need and Proposed Action are compliant with the general direction and standards and guidelines listed in the Fishlake Land and Resource Management Plan.

Analysis and Decision Process

A Decision Notice and Finding of No Significant Impact (FONSI) are anticipated to be used to document the decision regarding this proposed action. The decision will determine whether or not to approve the special use permit modification of adding approximately 19.2 acres to Canyon Fuels existing special use permit.

Implementation Date

The Environmental Assessment, Finding of No Significant Impact, and Draft Decision Notice are expected to be ready for public review during spring or summer 2014. Following the objection process, a final decision is expected during summer or fall 2014. Implementation could then also begin in summer/fall 2014.

Comment Process

The Forest Service is requesting your comments on this proposed action, along with supporting reasons that the responsible official should consider in reaching a decision.

Your comments will help the District prepare an Environmental Assessment. This comment period provides those interested in or affected by this proposal an opportunity to make their concerns known prior to a decision being made by the Responsible Official. Comments will aid in the identification of any issues and subsequent development of alternatives under the process outlined in the National Environment Policy Act. This comment period is being provided pursuant to 36 CFR 218.25(a). Those who provide comments in accordance with the following instructions will be eligible to file an objection to the decision pursuant to 36 CFR part 218.5 (a) regulations. The comment period ends 30 days following the date of publication of a legal notice of opportunity to comment in the Richfield Reaper. The date of this publication is the exclusive means for calculating the time to submit comments on the proposed action. Those wishing to comment on this proposal should not rely upon dates or timeframes provided by any other source. Only those who submit timely and specific written comments regarding the proposed project during any public comment period established by the responsible official are eligible to file an objection.

Comments may be submitted by email in word (.doc), rich text format (.rtf), text (.txt), or portable document format (.pdf) to comments-intermtn-fishlake-richfield@fs.fed.us. If an EA is prepared, to be eligible for objection, each individual or representative from each organization submitting comments must either sign the comments or verify identity upon request.

Submit written comments to: Fishlake National Forest, Attn: Jason Kling, Richfield District Ranger, 115 E. 900 N., Richfield, UT 84701. If submitting comments via FAX, send to 435-896-9347. Comments may also be hand delivered weekdays 8:00 am – 4:30 pm at the Richfield Ranger District office. For more information please contact David Christensen by phone 435-896-1054.

Comments received in response to this 30-day comment period including names and addresses of those who comment, will be considered part of the public record, will be available for public inspection and will be released if requested under the Freedom of Information Act. Comments submitted anonymously will not be accepted and considered.

Our website will be updated with information about this project. Please visit our website at www.fs.usda.gov/goto/fishlake/projects.